

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
SMITH DEVELOPMENT, INC.)	Case No. 09-10078-SSM
)	(Chapter 7)
Debtor.)	

APPLICATION FOR DESIGNATION OF TRUSTEE'S COUNSEL

The Chapter 7 Trustee, Richard A. Bartl, (“Trustee”) applies pursuant to 11 U.S.C. §327 and Bankruptcy Rule 2014 for entry of an Order appointing and designating Martin C. Conway and the law firm of Pesner Kawamoto Conway to perform legal services to the Trustee, upon the following grounds:

1. Specific Facts Showing Necessity for Employment: The Trustee requires counsel experienced in bankruptcy matters to advise him with respect to the recovery of assets, and with respect to such other legal issues as may arise during the Trustee’s administration of the bankruptcy estate.

2. Reasons for Selection of Applicants: Proposed counsel is experienced in bankruptcy matters and in the representation of Chapter 7 Trustees.

3. Professional Services to be Rendered: Serving as general bankruptcy counsel, and advising the Trustee with respect to the recovery of assets and such other legal issues as may arise during the Trustee’s administration of this bankruptcy estate.

4. Proposed Arrangement for Compensation: Trustee agrees to pay counsel at the proposed counsel's usual hourly rates which currently range from \$110 to \$375 per hour and is currently \$375 per hour for Mr. Conway, and for any out-of-pocket expenses incurred. Counsel's

charges and work shall be subject to review by the Court and other interested parties at all times, and counsel shall not draw nor receive any funds or compensation without court approval after notice and hearing.

5. Disinterested Persons: Applicant believes and represents that counsel is a disinterested person within the meaning of 11 U.S.C. §327, as set forth in the attached Verified Statement.

WHEREFORE Trustee prays for entry of the attached Order.

Respectfully submitted,

/s/ Richard A. Bartl
Richard A. Bartl, Chapter 7 Trustee (VSB#04518)
TYLER, BARTL, RAMSDELL & COUNTS, PLC
300 N. Washington Street, Suite 202
Alexandria, Virginia 22314
(703) 549-5000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application, together with the attached Verified Statement and proposed order, were mailed, postage prepaid, this 10th day of June, 2010 to:

Office of the U.S. Trustee
115 South Union Street, Suite 210
Alexandria, Virginia 22314

Martin C. Conway
Pesner Kawamoto Conway
7926 Jones Branch Dr., Suite 930
McLean, VA 22102

/s/ Richard A. Bartl
Richard A. Bartl